

Amendment

Kindly amend the claims as follows:

1. (currently amended) Protective device for an occupant of a vehicle comprising an inflatable cushion having first and second portions, (a) the first portion being directly above the second portion when the vehicle is upright, (b) the second portion comprising a material that decreases in length when inflated so as to create tension, the material being distributed substantially uniformly and continuously throughout the second portion, and (c) in which inflation of the second portion commences before inflation of the first portion.

2.-3. cancelled

4. (original) Protective device according to claim 1 in which the first portion comprises at least one inflatable node adapted, when inflated, to be positioned at approximately head level of the occupant.

5. (currently amended) Protective device for an occupant of a vehicle comprising an inflatable cushion having first and second portions, (a) the first portion being above the second portion when the vehicle is upright, (b) in which inflation of the second portion commences before inflation of the first portion, and (c)~~according to claim 4~~ in which the first portion ~~further~~ comprises (i) at least one inflatable node adapted,

when inflated, to be positioned at approximately the head level of the occupant and (ii) uninflated material adjacent the at least one inflatable node.

6. (original) Protective device according to claim 1 further comprising an inflator connected to the vehicle and to the second portion and capable of moving as the second portion inflates.

7.-12. cancelled

Response

A. Introduction

Claims 1 and 4-6 are pending in the application. After withdrawing his prior rejection, the Examiner issued new rejections of these claims, now citing principally U.S. Patent No. 6,276,712 to Welch, et al. According to the Examiner, the Welch patent discloses each feature of previously-pending claims 1-5. Applicants disagree and request that these rejections too be withdrawn and the pending claims be allowed.

B. The Claims

1. Claim 1

Without conceding the propriety of the Examiner's rejections, Applicants have revised independent claim 1 to incorporate features of previously-pending claims 2-3, cancelled claims 2-3 to avoid redundancy, and clarified claim 1 to recite that the first portion of the inflatable cushion is directly above the second portion. Accordingly, claim 1 now details a protective device comprising a two-portion inflatable cushion in which

- the first portion is directly above the second portion when the vehicle is upright; and
- distributed substantially uniformly and continuously throughout the second portion is a material that decreases in length when inflated.

Consequently, now described in claim 1 is a device in which the first portion is directly above the length-decreasing material. As explained in the application, this

configuration allows for greater uniformity in tension at the lower edges and rapid deployment of the devices. See Published Application at ¶ 0008.

Main portions 3, 103, and 203 of the devices of the Welch patent, by contrast, are *not* directly above any portions of tubes 9, 109, or 209 in which braided material is present. Instead, the main portions are *to the side* of the braided tubes as shown in Figs. 1-3 of that patent, with only tethers 11, 111, and 211 directly below. Because none of the tethers is inflatable or designed to decrease in length, the Welch patent neither discloses nor suggests the configuration of independent claim 1. For at least this reason, therefore, Applicants request that claims 1, 4, and 6 be allowed.

2. Claim 5

As indicated in claim 5 of the application, the *first* portion of the inflatable cushion of Applicants' invention comprises *both*

- at least one inflatable node adapted, when inflated, to be positioned at approximately head level of the occupant; and
- uninflated material adjacent the at least one inflatable node.

According to the Examiner, the device of the Welch patent includes an inflatable node in main portion 3 as well as uninflated material in the form of shield 13. See Office Action at pp. 2-3. Clear, however, is that shield 13 is *not* part of main portion 3, but rather is a distinct object separately connected to the roof rail of the vehicle. Thus, *no* “first” portion of the device of the Welch patent contains *both* an inflatable node *and* an adjacent uninflated material.